

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In Re:)
PHARMACEUTICAL INDUSTRY) CA No. 01-12257-PBS
AVERAGE WHOLESALE PRICE) MDL No. 1456
LITIGATION) Pages 1 - 30

CLASS COUNSEL STATUS CONFERENCE
BEFORE THE HONORABLE PATTI B. SARIS
UNITED STATES DISTRICT JUDGE

United States District Court
1 Courthouse Way, Courtroom 19
Boston, Massachusetts
September 11, 2007, 10:10 a.m.

LEE A. MARZILLI
OFFICIAL COURT REPORTER
United States District Court
1 Courthouse Way, Room 3205
Boston, MA 02210
(617) 345-6787

1 A P P E A R A N C E S:

2 For the Plaintiffs:

3 STEVE W. BERMAN, ESQ. (By Telephone),
Hagens Berman Sobol Shapiro LLP, 1301 5th Avenue, Suite 2900,
4 Seattle, Washington, 98101-1090.

5 THOMAS M. SOBOL, ESQ., Hagens Berman Sobol Shapiro LLP,
One Main Street, Cambridge, Massachusetts, 02142.

6
DONALD E. HAVILAND, ESQ., The Haviland Law Firm, LLC,
7 740 S. Third Street, Third Floor, Philadelphia, Pennsylvania,
19102.

8
ALSO PRESENT: Andrew J. Jackson, Esq., D. Scott Wise, Esq.

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1 MR. HAVILAND: Neither do I, your Honor, and I
2 understood from your clerk when I got the phone call about
3 today, I'm coming today to tell you that's not going to
4 happen. Again, the history: This case got remanded. It's
5 finally gotten with a special master appointed. We
6 encouraged Judge Bassler to call you so that we could make
7 sure that we knew exactly what your Honor was doing as that
8 case progressed. So, you know, the schedule has the case
9 going through 2010. We are going to wait to see what
10 happens. I think we have class next summer. Mr. Jackson is
11 here for Baxter, who's liaison counsel in the New Jersey
12 case. So we don't even have briefing until well down the
13 road.

14 THE COURT: Yes, but this cannot -- you made a
15 specific representation to the court you were seeking a
16 national class action. Somebody else but on behalf of the
17 same party made a specific representation to me that it was
18 only a state case. But even putting aside all of that, I
19 think you wanted to be co-lead counsel here, and you had not
20 been appointed until that point.

21 MR. HAVILAND: Well, Kline & Specter had, and
22 that's right, your Honor, my law firm had not, and I agree
23 with that.

24 THE COURT: So you can't do this.

25 MR. HAVILAND: Well, we can't seek a nationwide

1 class where it's overlapping. I absolutely agree with that,
2 your Honor.

3 THE COURT: So should I issue an injunction? I
4 mean, I don't know if Mr. Sobol and Mr. Berman or Mr. Wise,
5 who's sitting here now on behalf of AstraZeneca, or the folks
6 from Baxter knew about this, but I must admit, red flags
7 popped up all over the place for me.

8 Mr. Sobol?

9 MR. BERMAN: Your Honor, if I may say one thing,
10 and then I'll let Mr. Sobol speak. We didn't really know
11 that this was happening until after this hearing was set and
12 we began to investigate this, but I'm looking at the
13 transcript of the proceeding before the special master where
14 Mr. Haviland has appeared with his cocounsel, Mr. Williams,
15 in the case, and the special master asked at Page 27,
16 "I guess we've answered the question. It's the plaintiffs'
17 position that they want a nationwide class?" Answered by
18 Mr. Williams, "Yes, your Honor."

19 So on August 5, I think after Mr. Haviland was
20 appointed lead counsel before your Honor, he and his co-lead
21 counsel were taking the position in the New Jersey court that
22 they were seeking a national class.

23 THE COURT: Well, what do I do with this? I mean,
24 I -- let me just say, the second thing that's created some
25 misgivings for me was a statement that I had appointed you